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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,629	09/29/2003	Kyoung Ho Kim	1594.1244	6232
21171	7590	09/13/2004	EXAMINER	
STAAS & HALSEY LLP			VAN, QUANG T	
SUITE 700			ART UNIT	
1201 NEW YORK AVENUE, N.W.			PAPER NUMBER	
WASHINGTON, DC 20005			3742	

DATE MAILED: 09/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/671,629

Applicant(s)

KIM ET AL.

Examiner

Quang T Van

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 and 37-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3, 5, 14, 16, 24-28 and 37-40 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 6-13, 15, 17-23 and 29-34 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Drawings

1. The drawings are objected to because "a weight detecting unit 40 and a support unit 41" recited in specification, page 4, par. 0020, line 3 is not shown in drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

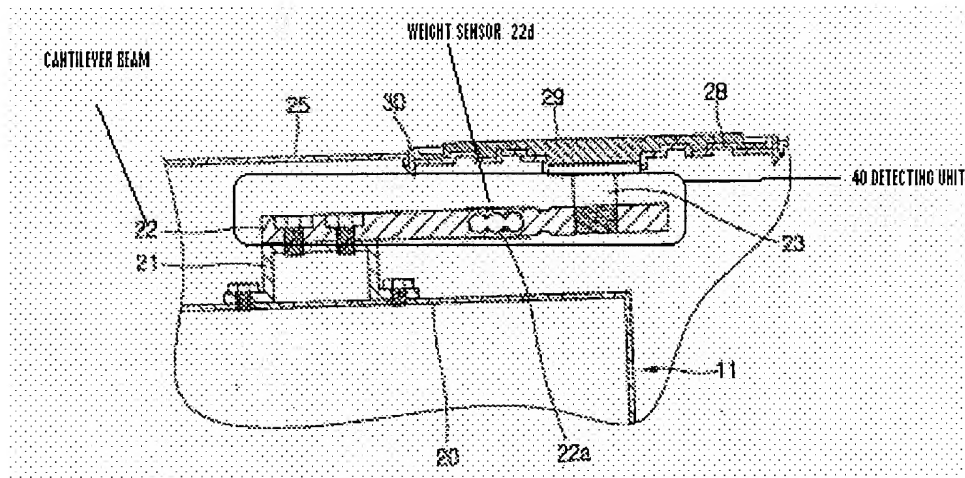
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3. Claims 9-13, 17-23, 29-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The examiner realizes that Applicant may be his or her own lexicographer as long as the meaning assigned to the term is not repugnant to the term's well known usage. In re Hill, 161 F.2d 367, 73 USPQ 482 (CCPA 1947). However, in this case, Applicant use of the term "sensor" in the claims is repugnant to the standard use of the term in the art. Applicant's weight sensor, in the specification and in Figure 3, is actually a cantilever beam (22). But, the sensing element (22d) is actually the "sensor" because it senses and detects a weight according to a force applied to a free end of the cantilever beam. A "sensor" is used in the art is an electronic component that detects weight. Thus, a "sensor" is not a cantilever beam or plate such as beam 22 in the specification.

Therefore, the Applicant must change in the specification and in the claims the term "weight sensor 22" to "a cantilever beam 22". Further, for clarification, the Examiner has reproduced figure 3 of the application to clarify the examiner's interpretation of the "detecting unit 40", the cantilever beam 22" and "the weight sensor 22d".

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4. Claims 1-2, 4, 6-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, "a weight detecting unit comprising a weight sensor supported at an end thereof" recited in lines 3 is indefinite because for the reasons noted in paragraph 4 above, the "weight sensor" is not supported at the end--rather the weight detecting unit is so supported. Applicant must change

In claim 1, line 3, after "a weight sensor" insert -- , **said weight detecting unit--**
NOTE: For purposes of Examination, it is presumed that the **weight detecting unit** is supported at an end thereof -- not the sensor.

Claim Rejections - 35 USC § 102

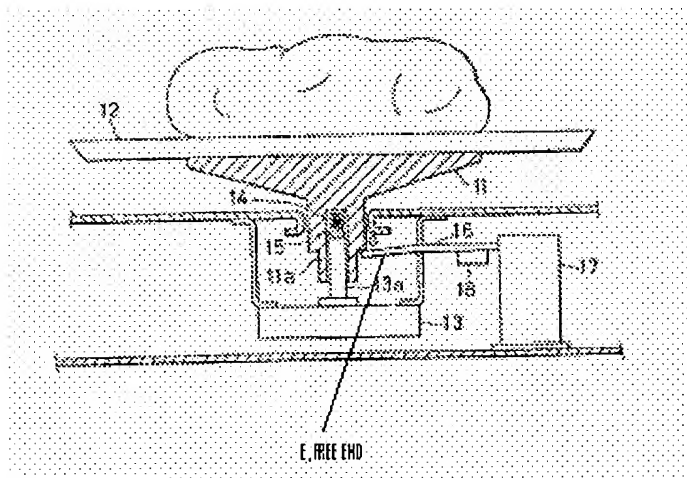
5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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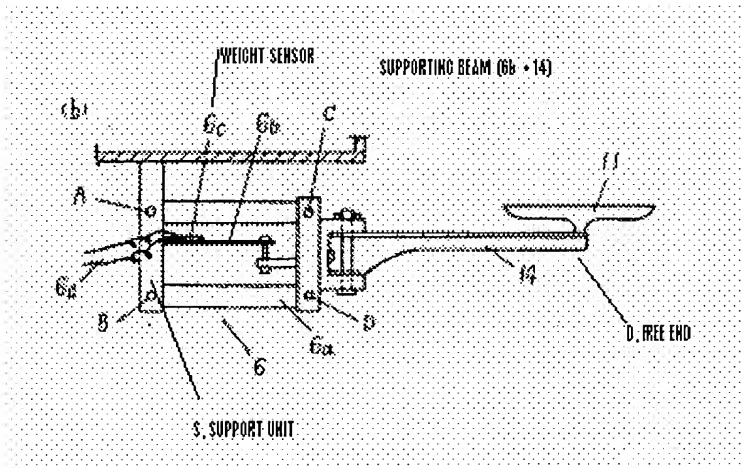
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2, 6, 8-13, 17-18, 20 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Hisaya (JP59215519A). Hisaya discloses cooking utensil comprising a weight detecting unit (16+18) comprising a weight sensor (18), said weight detecting unit supported at an end thereof, and detecting a weight according to a force applied to a free end (E, figure below) thereof; and a support unit (17) to support the weight detecting unit (16+18).



7. Claims 1-2, 9-13 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Masaaki (JP57155035A). Masaaki discloses a microwave heater comprising a weight detecting unit (6) comprising a weight sensor (6C), said weight detecting unit (6) supported at an end thereof, and detecting a weight according to a force applied to a free end (D, figure below) thereof; and a support unit (S) to support the weight detecting unit.

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Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4, 15 and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masaaki (JP57155035A) in view of Baek (KR1019960011448) cited by applicant. Masaaki discloses substantially all features of the claimed invention except the food seating unit being provided on a top plate of an exterior casing of the microwave oven. Baek discloses a food seating unit (5) being provided on a top plate of an exterior casing of the microwave oven (see figure). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Masaaki a food seating unit being provided on a top plate of an exterior casing of the

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microwave oven as taught by Baek in order to provide a better compact of the microwave oven. With regard claims 35-36, Masaaki discloses substantially all features of the claimed invention except dissipating heat generated by the microwave oven in the weight detecting device. Baek also discloses the step of dissipating heat generated by the microwave oven in the weight detecting device by having a vent hole (121). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Masaaki the step of dissipating heat generated by the microwave oven in the weight detecting device as taught by Baek in order to prevent a variation in the detecting weight.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hisaya (JP59215519A) in view of Baek (KR1019960011448) cited by applicant. Hisaya discloses substantially all features of the claimed invention except the weight sensor being provided with at least one heat dissipating hole. Baek disclose a weight sensor being provided with at least one heat dissipating hole (121). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Hisaya a weight sensor being provided with at least one heat dissipating hole as taught by Baek in order to prevent a variation in the detecting weight.

11. Claims 3, 5, 14, 16, 24-28, and 37-40 are allowed

12. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not show or suggest the support unit is mount to the top plate of the interior casing as recited in claims 3, 14, 40; a food seating unit comprising a rubber packing mounted to the tray bracket and a locking ring to lock the

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rubber packing to the tray bracket as recited in claims 5, 16; a weight detecting unit supported on the interior casing at a fixed end of the weight detecting unit by the support unit as recited in claims 24-28; a weight detecting unit with a beam thereof, supported on the interior casing at a fixed end of the weight detecting unit by the support unit as recited in claim 37; a weight detecting unit with a cantilever beam, supported on the interior casing at a fixed end of the weight detecting unit by the support unit as recited in claims 38-39.

Response to Amendment

13. Applicant's arguments with respect to claims 1-34 and 37-40 have been considered but are moot in view of the new ground(s) of rejection.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T Van whose telephone number is 703-306-9162. The examiner can normally be reached on 8:00Am 7:00Pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 703-305-5766. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



QV
September 8, 2004



Quang T Van
Primary Examiner
Art Unit 3742